

RE-ORGANIZATION OF THE DIPLOMATIC AND CONSULAR  
SYSTEMS.

---

LETTER

FROM

THE SECRETARY OF STATE,

ADDRESSED

TO MR. BANKS, CHAIRMAN COMMITTEE ON FOREIGN AFFAIRS,

IN RELATION TO

*The re-organization of the diplomatic and consular departments.*

---

JANUARY 25, 1873.—Referred to the Committee on Foreign Affairs and ordered to be printed.

---

DEPARTMENT OF STATE.

*Washington, December 19, 1872.*

SIR: I have the honor to call your attention to the sixth section of the bill which passed the Senate 25th of March, 1872, and is now in the hands of the committee of which you are chairman, "To amend an act entitled 'An act to regulate the diplomatic and consular systems of the United States, passed August 18, 1856, and for other purposes,'" (S. 472, 42d Congress, 2d session.) This section provides that no person shall hold the office of vice-consul within any consular district named in Schedules B and C, or discharge the duties thereof, who shall not be a citizen of the United States, nor shall any person hold or perform the duties of such office of vice-consul until he shall have taken an oath of office as prescribed by law.

It is believed that the enactment of such a provision would be productive of inconvenience. Although it was long since recommended to consuls to nominate citizens of the United States for the office of vice-consul when suitable persons, being citizens, could be found to accept the office, it has nevertheless been found necessary to sanction the appointment of a large number of vice-consuls who are not citizens. The vice-consul is the officer who is by the statute substituted temporarily to fill the place of the consul when necessarily absent or relieved from duty. No salary is attached to the office; he receives compensation only when acting in the absence of the consul, and the office of vice-consul possesses no great importance while the consul is at his post in

the discharge of his duties. But in the larger and more important consulates, especially, great embarrassment and inconvenience to the commercial community and detriment to the public interest may ensue from the want of a proper person to discharge the duties of the consulate in the absence or in case of the death of the consul.

The inability in the larger number of the consular posts to find an American citizen to occupy the place of vice-consul has had and must have the effect of forcing the consul to name as vice-consuls persons not of American citizenship.

Should the section referred to be retained in the bill, the places of most of the present vice-consuls would be vacated, and the past experience of the Department warrants the belief that it would be difficult, if not impossible, to find American citizens who would accept the offices thus made vacant. I suggest, therefore, the amendment of Senate bill (472) by striking out the sixth section.

And in order to remedy another difficulty in the same connection growing out of the provisions of the twenty-first section of the act of August 18, 1856, which prohibits the payment of compensation to any persons holding the offices named in the first section of the act, to assistant secretaries of legations, or to the officers included in Schedules B and C of the third section, unless the persons holding such offices shall be citizens of the United States, I suggest the adoption (either as a substitute for section six, or otherwise, as you may deem best) of the provision (1) embraced in the memorandum inclosed herewith. This section of the act of 1856 is held to prevent the payment of any part of the compensation appropriated for the consulate to a vice-consul-general, deputy consul-general, vice-consul, or deputy consul, or vice commercial agent, or deputy commercial agent, although any one of these subordinate officers may have been in charge of the consular office or agency, and may have discharged all the duties of the office. Interpreters to legations and consulates are included in the prohibition.

No good reason is perceived for making the allowance of compensation in these cases depend upon the question whether the person filling the place is a citizen of the United States. The difficulty of finding citizens of the United States competent and willing to act as interpreters in the Eastern legations and consulates will be readily appreciated.

I desire also to invite your attention to the provisions of section 22 of the act of August 18, 1856. By this section the President is authorized to allow consuls-general, consuls, and commercial agents who are not allowed to engage in trade, actual expenses of office-rent, *not to exceed, however, in any case ten per centum of the amount of the annual compensation allowed to such officer.* While such a sum as that contemplated by the above allowance may have been held sufficient at the date of the passage of the act and for some years after, it is known now in many instances to be grossly inadequate. It is well known that the prices of living in most countries abroad have greatly increased since the date of the passage of the act referred to, (1856,) and in nothing has the increase been more marked than in house and office rent. The salaries of consuls in most instances remain now as they were established years ago, upon a moderate scale, even for that period. Many of the consuls are obliged to pay for office-rent a sum largely in excess of the allowance; this excess the consul has to pay out of his salary, thus indirectly reducing his compensation, and at important posts, where the business of the consulate is large, the amount he has to pay beyond the legal allowance involves a serious loss. And it may also be mentioned that from the con-

ulates at these points where the cost of office-rent has increased, the most considerable returns are made to the Government on account of fees collected. Many complaints on this subject have been made to the Department from consular officers in Europe and elsewhere. It is obvious that insufficient office accommodations must be detrimental to the business of the consulate no less than to the interest protected. I therefore suggest that provision be made in the bill now under consideration, to allow consuls who are not allowed to trade actual expenses of office-rent not to exceed in any case twenty per centum of the annual compensation allowed to such officer. I append hereto for your convenience a schedule of the amendments and corrections proposed.

A couple of apparently clerical errors in the bill are noticed in the suggested amendment.

I have the honor to be, sir, your obedient servant,

HAMILTON FISH.

Hon. N. P. BANKS,

*Chairman of the Committee on Foreign Affairs,  
House of Representatives.*

## MEMORANDUM.

### AMENDMENTS AND CORRECTIONS.

#### No. 1.

SECTION 6. That section twenty-one of the act to regulate the diplomatic and consular systems of the United States, approved August 18, 1856, shall not be held to apply to any consular officers, or to interpreters of legations, or of consulates, or to any dragoman, nor shall any statute be held to prohibit vice-consuls-general, deputy consuls-general, or vice-consuls, deputy consuls, or vice commercial agents, or deputy commercial agents, or any interpreters, or dragoman, from receiving the compensation allowed by law to their official position, by reason or on account of their not being citizens of the United States.

#### No. 2.

SECTION 7. That the President be, and he is hereby, authorized, whenever he shall think there is sufficient reason therefor, to allow consuls-general, consuls, and commercial agents, who are not allowed to trade, actual expense of office-rent, such allowance not to exceed in any case twenty per centum of the amount of the annual compensation allowed to such officer, and so much of section twenty-two of the said act as conflicts with the provisions of this section is hereby repealed.

### CORRECTIONS.

Section 3, line 4, "consuls-general" should read "consul-general."

Section 1, line 101, "Moor River," should read "Amoor River."

